

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Revisions to Broadcast Auxiliary Service	)	ET Docket No. 01-75
Rules in Part 74 and Conforming Technical	)	
Rules for Broadcast Auxiliary Service,	)	
Cable Television Relay Service and Fixed	)	
Services in Parts 74, 78 and 101 of the	)	
Commission's Rules	)	

**REPLY COMMENTS OF  
VIACOM INC.**

Viacom Inc. (hereinafter "Viacom") respectfully submits reply comments in response to the Commission's *Notice of Proposed Rulemaking Revision to Broadcast Auxiliary Service Rules in Part 74* (hereinafter "*Notice*").<sup>1</sup> Viacom is the licensee of 37 full-service television stations, twenty of which are operated by the CBS Television Stations Group and seventeen of which are operated by the Paramount Television Stations, both groups of which are components of the Viacom Television Stations Division. Viacom, through its subsidiary Infinity Broadcasting Corporation, is the parent licensee of 185 radio stations.

Frequency Coordination

In the *Notice*, the Commission proposed to require that all prospective applicants in frequency bands above 1990 MHz for TV Broadcast Auxiliary Services and the 940 MHz aural STL bands (hereinafter "BAS") licenses coordinate their planned spectrum

use prior to filing applications using the procedures of Section 101.103(d) of the Commission's rules (hereinafter "Part 101"). Viacom agrees with the comments of Society of Broadcast Engineers (hereinafter "SBE") in urging that the Commission not apply the Part 101 frequency coordination requirements of the Commission's rules to BAS applications. Viacom supports a notification process for all BAS applications using a slight modification of current Part 74.604(a) of the rules. Viacom suggests that Part 74.604(a) be modified for use by BAS applicants by providing that, prior to filing any application, an applicant notify the appropriate frequency coordinating committee or, if no such frequency coordinating committee exists in the particular location, any licensee assigned the use of the proposed operating frequency concerning the particulars of the intended operation. To facilitate this process, it is possible that information on active frequency coordinating committees could be handled through the SBE's national office.

Viacom opposes applying Part 101 procedures to BAS applicants for the following reasons. First, Part 101 coordination procedures are an unnecessary additional regulatory burden on BAS users. As noted by the comments of SBE and Maximum Service Television Inc./National Association of Broadcasters (hereinafter "MSTV/NAB), the principal concern underlying the coordination requirement is to insure that local coordinators are notified of potential frequency use prior to an application being filed. Notification to local coordinators can be handled pursuant to the process stated above. Second, Part 101 procedures are time consuming and expensive. A single frequency coordination can cost as much as one thousand dollars (\$1,000) per frequency. If Part 101 procedures were in affect today, Viacom would have spent forty thousand dollars (\$40,000) in frequency coordination fees for the first six months of this year. Third, were

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<sup>1</sup> ET Docket No. 01-75, FCC 01-92 (released March 20, 2001).

the Commission to apply Part 101 coordination procedures to BAS licenses, such a requirement would result in the Commission having to immediately allocate additional BAS microwave spectrum, because the local coordination procedures currently employed by BAS licensees permit the re-use of spectrum but the procedures under Part 101 would not permit such re-use of spectrum.

However, in the event the FCC decides to impose Part 101 Procedures for BAS microwave licenses, Viacom believes that TV Pickup Licenses should be excluded. Viacom agrees with the comments of SBE which points out that such operations are mobile/itinerant in nature, and therefore, too dynamic to be subject to a requirement of a written frequency coordination exhibit. If the Commission were to impose Part 101 procedures on TV Pickup License applications, a waiver of the frequency coordination rules would be required in order for a TV Pickup License to be granted.

#### Universal Licensing System (hereinafter "ULS") and BAS

In the *Notice*, the Commission proposed adopting a licensing scheme under which aural and TV BAS stations would be licensed using identical forms and procedures as used for Part 101 microwave applicants and Remote Pickup BAS stations would be licensed using the same forms and procedures for Part 90 private land mobile radio applicants. Several commenters supported the Commission's proposal. Viacom agrees with the comments of SBE and NAB/MSTV, which support the Commission's proposal to use the Part 101 and Part 90 Form 601, provided that the concerns noted by SBE regarding the problems in licensing TV Pick-up stations and tracking such licenses in ULS are resolved prior to adopting the proposed rule changes. Further, Viacom has the

following additional concerns regarding the use of Part 101 and Part 90 forms for BAS applicants:

First, it is impossible for a broadcast licensee to determine what BAS licenses ULS has associated with a particular parent broadcast station. It is not possible to search for a BAS license via a parent Facility ID or parent call sign.

Second, ULS does not have a way to assign or transfer BAS licenses. When a broadcast license is assigned or transferred by the Mass Media Bureau, the only way to update the ULS license data with the correct licensee name and Taxpayer Identification Number is to make a telephone request to a Commission staff member located in Gettysburg, Pennsylvania, to manually update the ULS Database.

Third, despite numerous requests for many years by the industry for ULS to track the number of mobile units associated with TV Pickup Licenses, ULS still does not do this. The inability of ULS to accurately reflect the number of mobile units associated with a particular TV Pickup License was a serious deterrent in the recent Mobile Satellite Services proceedings<sup>2</sup> and continues to hamper the orderly transition to the new band plans.

Fourth, ULS does not track the receive sites associated with TV Pick-up Licenses. The industry is forced to rely on the local volunteer frequency coordinators to protect this vital part of Electronic News gathering. Viacom suggests that the ULS staff form an Industry Advisory Committee to advise ULS programmers as to these concerns and the fundamental changes necessary to make ULS system track BAS licenses.

Finally, while Viacom supports the use of Part 101 and Part 90 Forms for BAS applicants provided the preceding concerns are adequately resolved, for the reasons set

forth above, however, Viacom does not support using the procedures of Part 101 and Part 90 BAS applicants to the extent that such procedures entail the frequency coordination requirements thereunder.

### Digital Modulation

In the *Notice*, the Commission proposed to modify the rules in Section 74.637 to permit digital modulation in all TV BAS bands. Viacom generally agrees with the comments of SBE and NAB/MSTV on allowing the use of digital emissions in BAS lower microwave bands. In order to facilitate the transition to Digital TV, Viacom, similar to other broadcasters, has had to obtain numerous STAs for digital STLs and Intercity relays, and Viacom's Infinity Radio division has also had to obtain numerous STAs in order to convert analog aural STLs and Intercity relays to digital STLs and Intercity relays. Viacom urges the Commission to act quickly on this issue.

Viacom agrees with the comments of SBE requesting the issuance of a Further Notice of Proposed Rulemaking in regard to mandatory embedded ID's for Digital Transmission. It is important that Special Event Frequency Coordinators, such as the NFL/SBE Game Day Coordinators, be able to quickly identify the source of transmissions. Further, as Electronic Newsgathering makes the conversion from analog to digital, Digital ID systems will become an important part of efficient spectrum sharing at events.

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<sup>2</sup> *Second Report Order* ET docket 95-18, (released July 3,2000).

## Conclusion

For the reasons sated above, Viacom opposes imposing Part 101 frequency coordination procedures on BAS applicants, but rather supports a notification process that would entail a slight modification of the current procedures in Part 74.604 rules. Viacom supports using the Part 101 and Part 90 Forms for BAS applicants, provided the aforementioned problems with the ULS system are adequately resolved. Last, Viacom supports a modification of the Commission's rules to permit digital modulation in all TV BAS bands.

Respectfully submitted,



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